HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.13560 of 2005

Dated 7th December 2006

Between:

Vijaya Cooperative Joint Farming Society Ltd.,
Pothireddypally, rep by its President Marrepally Kistaiah,
Andole Mandal, Medak District and others.

……Petitioner.

And

Principal Secretary to Government,
Public Enterprises Department/Registrar of Cooperative Societies,
Secretariat Buildings, Andhra Pradesh,
Hyderabad.

……..Respondents.

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ORDER:

1. This writ petition is filed seeking a mandamus declaring the proceedings passed by the 1st respondent in ordering the winding up of 3rd respondent Federation vide Proceedings No.007/RCS/APJF/2004/04, dated 16-4-2005 as arbitrary and illegal.

2. It appears under the impugned proceedings, the Registrar of Cooperative Societies while exercising his powers under Section 64 (1) of the Cooperative Societies Act passed an order of Winding-up of the petitioner's Society by an order 16-4-2005. It is the case of the petitioner that the Registrar of Cooperative Societies has not followed the procedure as required under the law for the purpose of ordering Winding-up of the society. There is no necessity of passing an order of Winding-up and the petitioners have no opportunity to represent themselves before the Registrar of Cooperative Societies. Therefore, the order passed by the respondents is in gross violation of principles of natural justice.

3. Be that as it may, the case of this nature is required to be decided after looking into the records and examining witnesses if any. Only on the basis of pleadings, the case on hand cannot be decided.

4. In view of the above, without expressing any opinion on merits, the petitioners are directed to file statutory appeal before the A.P Cooperative Tribunal at Hyderabad, within a period of three weeks from the date of receipt of a copy of this order. On filing such appeal the same shall be entertained by the Tribunal without raising any objection as to limitation.

5. With the above direction, the writ petition is disposed of.

No costs.

(C.V. RAMULU, J)

Dated 7th December 2006
mrb